

REMARKS

Applicants respectfully request the Examiner to enter the above amendments, and to reconsider and withdraw the rejection in view of the following remarks.

Status of Claims

Claims 13 to 19 and 23 to 24 will be pending after entry of the present amendment. Claims 13, 16, and 19 are being amended. Claims 1 to 12 and 20 to 22 are being cancelled without prejudice. Claims 23 to 24 are being added. Claims 13 to 19 stand rejected under Section 112, second paragraph.

Amendment

Claims 13 and 16 are being amended to recite that the optionally substituted cyclopenta[b]indole compound is treated “with an electrophile”. This amendment is supported by the specification, for example at page 9, lines 20 to 21 and page 10, lines 10 to 12.

Claims 13 and 16 are also being amended to recite that the compound of step a) is treated “with a reducing agent” to form the corresponding optionally substituted cyclopenta[b]indol-4-yl-amine. This amendment is supported by the specification, for example at page 10, lines 4 to 6 and page 11, lines 1 to 6.

Claims 13, 16, and 19 have also been amended to recite that the the cyclopenta[b]indol-4-yl-amine of step b) is treated “with an aldehyde in the presence of an acid”. This amendment is supported by the specification, for example at page 11, lines 8 to 11.

Claims 23 to 24 are new. Claims 23 to 24 are supported by the specification for example at page 11, lines 8 to 11.

No new matter is added by the amendments to the claims.

Response to Rejection Under Section 112, second paragraph

Claims 13 to 19 have been rejected under Section 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The office action has cited the following reasons:

A) With respect to Claims 13 and 16, the office action states that the term “converting” does not set forth the metes and bounds of the claims.

B) With respect to Claims 13 and 16, the office action states that the term “reducing” does not set forth the metes and bounds of the claims.

C) With respect to Claims 13, 16 and 19, the office action states that the term “cyclizing” does not set forth the metes and bounds of the claims.

Applicants respectfully submit that Claims 13 to 19 and new claims 23 to 24 fully comply with the requirements of Section 112, second paragraph as one skilled in the art, especially in light of the specification, would understand the scope of the claims as set forth in Applicants’ remarks filed on May 28, 2004, which for the sake of brevity is incorporated herein by reference. However, to facilitate prosecution, Applicants have amended Claims 13 and 16 to replace “converting” with “treating”, so that cyclopenta[b]indole compound is treated “with an electrophile” to form the cyclopenta[b]indol-4-ylacetamide compound of Claim 13, or the optionally substituted nitrile compound of Claim 16. It is respectfully submitted that this new language fully complies with Section 112, second paragraph.

Also, to facilitate prosecution, Applicants have amended Claims 13 and 16 to replace “reducing” with “treating”, so that the compound formed in step a) is treated “with a reducing agent” to form the optionally substituted amine compound. It is noted that one skilled in the art would readily understand the term reducing agent. It is noted that reducing agents include, but are not limited to, for example borane or lithium trihydride (page 10, lines 4 to 6, and page 11, lines 1 to 6), or hydrogen (page 11, lines 1 to 6). Thus, it is respectfully submitted that this new language fully complies with Section 112, second paragraph.

Applicants also, in an effort to facilitate prosecution, have replaced in Claims 13, 16, and 19, the term “cyclizing” with “treating”, so that the optionally substituted amine is treated “with an aldehyde in the presence of an acid.” Applicants respectfully submit that this new language fully complies with Section 112, second paragraph.

In view of the above remarks, Applicants respectfully request that the rejection under Section 112, second paragraph be withdrawn.

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CONCLUSION

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record and request withdrawal of all outstanding rejections. Early and favorable notification of allowance of all pending claims is earnestly requested.

Respectfully Submitted,



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